

REMARKS

Claims 1-22 were previously pending in this patent application. Claims 1-22 stand rejected. Herein, Claim 15 has been amended. Accordingly, after this Amendment and Response, Claims 1-22 remain pending in this patent application. Further examination and reconsideration in view of the claims, remarks, and arguments set forth below is respectfully requested.

35 U.S.C. Section 102(a) and 102(e) Rejections

Claims 1-22 stand rejected under 35 U.S.C. 102(a) and 102(e) as being anticipated by Hsieh et al., U.S. Patent Application Publication No. US2003/0093238 (hereafter Hsieh). These rejections are respectfully traversed.

Independent Claim 1 recites:

A method of managing a testing task, said method comprising:
receiving a plurality of test cases to run, each test case including a plurality of requirements for running said respective test case;
receiving an identification of a group of available test systems on which to run said test cases;
for each test case, determining a list of applicable test systems from said group that satisfy said requirements of said respective test case;
automatically selecting and starting test cases to run based on each respective list and said available test systems so that as many test cases as possible are run in parallel; and
when any test case ***finishes running and releases a test system to said group of available test systems***, automatically selecting and starting an additional test case to run if possible based on said respective list and said available test systems. (emphasis added)

It is respectfully asserted that Hsieh does not disclose the present invention as recited in Independent Claim 1. In particular, Independent Claim 1 recites the limitation, "when any test case ***finishes running and releases a test system to said group of available test systems***, automatically selecting and starting an additional test case to run if possible based on said respective list and said available test systems," (emphasis added). In contrast, Hsieh discloses performing a concurrent test procedure on a batch of computer products for quality assurance of the computer products before they are shipped to the market. [Hsieh; Abstract]. In Hsieh, once a quality assurance test is completed on a particular computer product, the particular computer product is shipped to the market instead of releasing the particular computer product to a group of available computer products on which additional tests from a plurality of tests are run, as in the invention of Independent Claim 1. Therefore, it is respectfully submitted that Independent Claim 1 is not anticipated by Hsieh and is in condition for allowance.

Dependent Claims 2-7 are dependent on allowable Independent Claim 1, which is allowable over Hsieh. Hence, it is respectfully submitted that Dependent Claims 2-7 are patentable over Hsieh for the reasons discussed above.

With respect to Independent Claims 8 and 15, it is respectfully submitted that Independent Claims 8 and 15 recite similar limitations as in Independent Claim 1. In particular, Independent Claim 8 recites the limitation, "when any test case ***finishes running and releases a test system to said group of available test systems***, automatically selecting and starting an additional test case to run if possible based on said respective list and said available test systems, " (emphasis added). Moreover, Independent Claim 15 recites the limitation, "wherein when any ***test case finishes, a test system of said finished test case is released to said plurality of available test systems***, " (emphasis added). As discussed above, Hsieh fails to disclose the cited limitations. Therefore, Independent Claims 8 and 15 are not anticipated by Hsieh and are allowable for reasons discussed in connection with Independent Claim 1.

Dependent Claims 9-14 and Dependent Claims 16-22 are dependent on allowable Independent Claims 8 and 15 respectively, which are allowable over Hsieh. Hence, it is respectfully submitted that Dependent Claims 9-14 and 16-22 are patentable over Hsieh for the reasons discussed above.

CONCLUSION

It is respectfully submitted that the above claims, arguments, and remarks overcome all rejections. All remaining claims (Claims 1-22) are neither anticipated nor obvious in view of the cited references. For at least the above-presented reasons, it is respectfully submitted that all remaining claims (Claims 1-22) are in condition for allowance.


The Examiner is urged to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Please charge any additional fees or apply any credits to our PTO deposit account number: 08-2025.

Respectfully submitted,

WAGNER, MURABITO & HAO, LLP

Dated: 10/3/05



John P. Wagner, Jr.
Registration No. 35,398

Two North Market Street, Third Floor
San Jose, CA 95113
(408) 938-9060